

# SIXTY-NINTH LEGISLATURE

## REGULAR SESSION

### SENATE JOINT RESOLUTIONS

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#### S.J.R No. 6

Senate Joint Resolution proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states.

*Be it resolved by the Legislature of the State of Texas:*

**SECTION 1.** Article I, Section 20, of the Texas Constitution is amended to read as follows:

"Section 20. No citizen shall be outlawed. ~~No~~~~;~~ ~~nor shall any~~ person *shall* be transported out of the State for any offense committed within the same. *This section does not prohibit an agreement with another state providing for the confinement of inmates of this State in the penal or correctional facilities of that state.*"

**SECTION 2.** This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to permit state prisoners to be placed in penal facilities of another state pursuant to an interstate agreement."

Adopted by the Senate on February 12, 1985, by the following vote: Yeas 31, Nays 0;  
adopted by the House on March 27, 1985, by the following vote: Yeas 143, Nays 0,  
two present not voting.

Received: April 1, 1985

To be voted on: November 5, 1985

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#### S.J.R No. 9

Senate Joint Resolution proposing a constitutional amendment to provide additional bonding authority for the veterans' housing assistance program and changing the definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program by authorizing the legislature by law to define an eligible veteran for the purposes of those programs.

*Be it resolved by the Legislature of the State of Texas:*

**SECTION 1.** Article III, Section 49-b, of the Texas Constitution is amended to read as follows:

"Section 49-b. By virtue of prior Amendments to this Constitution, there has been created a governmental agency of the State of Texas performing governmental duties which has been designated the Veterans' Land Board. Said Board shall continue to function for the purposes specified in all of the prior Constitutional Amendments except as modified herein. Said Board shall be composed of the Commissioner of the General Land Office and two (2) citizens of the State of Texas, one (1) of whom shall be well versed in veterans' affairs and one (1) of whom shall be well versed in finances. One (1) such citizen member shall, with the advice and consent of the Senate, be appointed biennially by the Governor to serve for a term of four (4) years; but the members serving on said Board on the date of adoption hereof shall complete the terms to which they were appointed. In the event of the resignation or death of any such citizen member, the Governor shall appoint a replacement to serve for the unexpired portion of the term to which the deceased or resigning member had been appointed. The compensation for said citizen members shall be as is now or may hereafter be fixed by the Legislature; and each shall make bond in such amount as is now or may hereafter be prescribed by the Legislature.

"The Commissioner of the General Land Office shall act as Chairman of said Board and shall be the administrator of the Veterans' Land Program under such terms and restrictions as are now or may hereafter be provided by law. In the absence or illness of said Commissioner, the Chief Clerk of the General Land Office shall be the Acting Chairman of said Board with the same duties and powers that said Commissioner would have if present.

"The Veterans' Land Board may provide for, issue and sell not to exceed Nine Hundred Fifty Million Dollars (\$950,000,000) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund, Seven Hundred Million Dollars (\$700,000,000) of which have heretofore been authorized. Such bonds or obligations shall be sold for not less than par value and accrued interest; shall be issued in such forms, denominations, and upon such terms as are now or may hereafter be provided by law; shall be issued and sold at such times, at such places, and in such installments as may be determined by said Board; and shall bear a rate or rates of interest as may be fixed by said Board but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds may not exceed the rate specified in Section 65 of this Article. All bonds or obligations issued and sold hereunder shall, after execution by the Board, approval by the Attorney General of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchaser or purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas; and all bonds heretofore issued and sold by said Board are hereby in all respects validated and declared to be general obligations of the State of Texas. In order to prevent default in the payment of principal or interest on any such bonds, the Legislature shall appropriate a sufficient amount to pay the same.

"In the sale of any such bonds or obligations, a preferential right of purchase shall be given to the administrators of the various Teacher Retirement Funds, the Permanent University Funds, and the Permanent School Funds.

"Said Veterans' Land Fund shall consist of any lands heretofore or hereafter purchased by said Board, until the sale price therefor, together with any interest and penalties due, have been received by said Board (although nothing herein shall be construed to prevent said Board from accepting full payment for a portion of any tract), and of the moneys attributable to any bonds heretofore or hereafter issued and sold by said Board which moneys so attributable shall include but shall not be limited to the proceeds from the issuance and sale of such bonds; the moneys received from the sale or resale of any lands, or rights therein, purchased with such proceeds; the moneys received from the sale or resale of any lands, or rights therein, purchased with other moneys attributable to such bonds; the interest and penalties received from the sale or resale of such lands, or rights therein; the bonuses, income, rents, royalties, and any other pecuniary benefit received by said Board from any such lands; sums received by way of indemnity or forfeiture for the failure of any bidder for the purchase of any such bonds to comply with his bid and accept and pay for such bonds or for the failure of any bidder for the purchase of any lands comprising a part of said Fund to comply with his bid and accept and pay for any such lands; and interest received from investments of any such moneys. The principal and interest on the bonds heretofore and hereafter issued by said Board shall be paid out of the moneys of said Fund in conformance with the Constitutional provisions authorizing such bonds; but the moneys of said Fund which are not immediately committed to the payment of principal and interest on such bonds, the purchase of lands as herein provided, or the payment of expenses as herein provided may be invested in bonds or obligations of the United States until such funds are needed for such purposes.

"All moneys comprising a part of said Fund and not expended for the purposes herein provided shall be a part of said Fund until there are sufficient moneys therein to retire fully all of the bonds heretofore or hereafter issued and sold by said Board, at which time all such moneys

remaining in said Fund, except such portion thereof as may be necessary to retire all such bonds which portion shall be set aside and retained in said Fund for the purpose of retiring all such bonds, shall be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law. All moneys becoming a part of said Fund thereafter shall likewise be deposited to the credit of the General Revenue Fund.

"When a Division of said Fund (each Division consisting of the moneys attributable to the bonds issued and sold pursuant to a single Constitutional authorization and the lands purchased therewith) contains sufficient moneys to retire all of the bonds secured by such Division, the moneys thereof, except such portion as may be needed to retire all of the bonds secured by such Division which portion shall be set aside and remain a part of such Division for the purpose of retiring all such bonds, may be used for the purpose of paying the principal and the interest thereon, together with the expenses herein authorized, of any other bonds heretofore or hereafter issued and sold by said Board. Such use shall be a matter for the discretion and direction of said Board; but there may be no such use of any such moneys contrary to the rights of any holder of any of the bonds issued and sold by said Board or violative of any contract to which said Board is a party.

"The Veterans' Land Fund shall be used by said Board for the purpose of purchasing lands situated in the State of Texas owned by the United States or any governmental agency thereof, owned by the Texas Prison System or any other governmental agency of the State of Texas, or owned by any person, firm, or corporation. All lands thus purchased shall be acquired at the lowest price obtainable, to be paid for in cash, and shall be a part of said Fund. Such lands heretofore or hereafter purchased and comprising a part of said Fund are hereby declared to be held for a governmental purpose, although the individual purchasers thereof shall be subject to taxation to the same extent and in the same manner as are purchasers of lands dedicated to the Permanent Free Public School Fund.

"The lands of the Veterans' Land Fund shall be sold by said Board in such quantities, on such terms, at such prices, at such rates of interest and under such rules and regulations as are now or may hereafter be provided by law to veterans, *as they are now or may hereafter be defined by the laws of the State of Texas* ~~(who served not less than ninety (90) continuous days; unless sooner discharged by reason of a service-connected disability; on active duty in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States after September 16, 1940; and who, upon the date of filing his or her application to purchase any such land is a citizen of the United States; is a bona fide resident of the State of Texas; and has not been dishonorably discharged from any branch of the Armed Forces above named; and who at the time of his or her enlistment, induction, commissioning, or drafting was a bona fide resident of the State of Texas; or who has resided in Texas at least five (5) years prior to the date of filing his or her application; and provided that in the event of the death of an eligible Texas Veteran after the veteran has filed with the Board an application and contract of sale to purchase through the Board the tract selected by him or her and before the purchase has been completed, then the surviving spouse may complete the transaction. The unmarried surviving spouses of veterans who died in the line of duty may also apply to purchase a tract through the Board provided the deceased veterans meet the requirements set out in this Article with the exception that the deceased veterans need not have served ninety (90) continuous days and provided further that the deceased veterans were bona fide residents of the State of Texas at the time of enlistment, induction, commissioning, or drafting).~~ The foregoing notwithstanding, any lands in the Veterans' Land Fund which have been first offered for sale to veterans and which have not been sold may be sold or resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now or may hereafter be provided by law.

"Said Veterans' Land Fund, to the extent of the moneys attributable to any bonds hereafter issued and sold by said Board may be used by said Board, as is now or may hereafter be provided by law, for the purpose of paying the expenses of surveying, monumenting, road construction, legal fees, recordation fees, advertising and other like costs necessary or incidental to the purchase and sale, or resale, of any lands purchased with any of the moneys attributable to such additional bonds, such expenses to be added to the price of such lands when sold, or resold, by said Board; for the purpose of paying the expenses of issuing, selling, and delivering any such additional bonds; and for the purpose of meeting the expenses of paying the interest or principal due or to become due on any such additional bonds.

"All of the moneys attributable to any series of bonds hereafter issued and sold by said Board (a 'series of bonds' being all of the bonds issued and sold in a single transaction as a single installment of bonds) may be used for the purchase of lands as herein provided, to be sold as herein provided, for a period ending eight (8) years after the date of sale of such series of bonds; provided, however, that so much of such moneys as may be necessary to pay interest on bonds

hereafter issued and sold shall be set aside for that purpose in accordance with the resolution adopted by said Board authorizing the issuance and sale of such series of bonds. After such eight (8) year period, all of such moneys shall be set aside for the retirement of any bonds hereafter issued and sold and to pay interest thereon, together with any expenses as provided herein, in accordance with the resolution or resolutions authorizing the issuance and sale of such additional bonds, until there are sufficient moneys to retire all of the bonds hereafter issued and sold, at which time all such moneys then remaining a part of said Veterans' Land Fund and thereafter becoming a part of said Fund shall be governed as elsewhere provided herein.

"This Amendment being intended only to establish a basic framework and not to be a comprehensive treatment of the Veterans' Land Program, there is hereby reposed in the Legislature full power to implement and effectuate the design and objects of this Amendment, including the power to delegate such duties, responsibilities, functions, and authority to the Veterans' Land Board as it believes necessary.

"Should the Legislature enact any enabling laws in anticipation of this Amendment, no such law shall be void by reason of its anticipatory nature."

**SECTION 2.** Article III, Section 49-b-1, Subsections (a), (b), and (c), of the Texas Constitution are amended to read as follows:

"(a) In addition to the general obligation bonds authorized to be issued and to be sold by the Veterans' Land Board by Section 49-b of this article, the Veterans' Land Board may provide for, issue, and sell not to exceed *\$1.3 billion* [~~\$800 million~~] in bonds of the State of Texas, *\$800 million of which have heretofore been authorized* to provide financing to veterans of the state in recognition of their service to their state and country.

"(b) For purposes of this section, 'veteran' means a person who *satisfies the definition of 'veteran' as is now or may hereafter be set forth by the laws of the State of Texas* [~~served not less than 90 continuous days, unless sooner discharged by reason of a service connected disability, on active duty in the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States after September 16, 1940, and who, upon the date of filing his or her application for financial assistance under this section is a citizen of the United States, is a bona fide resident of the State of Texas, and was discharged from military service under honorable conditions from any branch of the above-named Armed Forces and who at the time of his or her enlistment, induction, commissioning, or drafting was a bona fide resident of the State of Texas or who has resided in Texas at least five years immediately before the date of filing his or her application. In the event of the death of an eligible Texas veteran after the veteran has filed an application, the veteran's surviving spouse may complete the transaction. The term veteran also includes the unmarried surviving spouse of a veteran who died in the line of duty; if the deceased veteran meets the requirements set out in this section with the exception that the deceased veteran need not have served 90 continuous days and if the deceased veteran was a bona fide resident of the State of Texas at the time of enlistment, induction, commissioning, or drafting~~]."

"(c) The Veterans' Housing Assistance Fund is created, and *\$1 billion* [~~\$500 million~~] of the state bonds authorized by this section shall be used for the Veterans' Housing Assistance Fund, *\$500 million of which have heretofore been authorized*. Money in the Veterans' Housing Assistance Fund shall be administered by the Veterans' Land Board and shall be used for the purpose of making home mortgage loans to veterans for housing within the State of Texas in such quantities, on such terms, at such rates of interest, and under such rules and regulations as may be authorized by law. The expenses of the board in connection with the issuance of the bonds and the making of the loans may be paid from money in the fund. The Veterans' Housing Assistance Fund shall consist of any interest of the board in all home mortgage loans made to veterans by the board pursuant to a Veterans' Housing Assistance Program which the legislature may establish by appropriate legislation until, with respect to any such home mortgage loan, the principal amount, together with any interest and penalties due, have been received by the board; the money attributable to any bonds issued and sold by the board to provide money for the fund, which money so attributable shall include but shall not be limited to the proceeds from the issuance and sale of such bonds; income, rents, and any other pecuniary benefit received by the board as a result of making such loans; sums received by way of indemnity or forfeiture for the failure of any bidder for the purchase of any such bonds to comply with his bid and accept and pay for such bonds; and interest received from investments of any such money. The principal of and interest on the general obligation bonds authorized by this section for the benefit of the Veterans' Housing Assistance Fund shall be paid out of the money of the fund, but the money of the fund which is not immediately committed to the payment of principal and interest on such bonds, the making of home mortgage loans as herein provided, or the payment of expenses as herein provided may be invested in bonds or obligations of the United States until the money is needed for such purposes."

**SECTION 3.** This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing \$500 million in additional bonding authority for the veterans' housing assistance program and changing the definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program by authorizing the legislature by law to define an eligible veteran for the purposes of those programs."

Adopted by the Senate on February 12, 1985, by the following vote: Yeas 30, Nays 0; adopted by the House on May 20, 1985, by the following vote: Yeas 125, Nays 9, three present not voting.

Received: May 29, 1985

To be voted on: November 5, 1985

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### S.J.R No. 10

Senate Joint Resolution proposing a constitutional amendment granting the supreme court and the court of criminal appeals jurisdiction to answer questions of state law certified from federal appellate courts.

*Be it resolved by the Legislature of the State of Texas:*

**SECTION 1.** Article V, of the Texas Constitution is amended by adding Section 3-c to read as follows:

"Section 3-c. (a) The supreme court and the court of criminal appeals have jurisdiction to answer questions of state law certified from a federal appellate court.

"(b) The supreme court and the court of criminal appeals shall promulgate rules of procedure relating to the review of those questions."

**SECTION 2.** The following temporary provision is added to the Texas Constitution:

"**TEMPORARY PROVISION.** (a) This temporary provision applies to the constitutional amendment proposed by the 69th Legislature, Regular Session, 1985, granting the supreme court and the court of criminal appeals jurisdiction to answer questions of state law certified from a federal appellate court.

"(b) The constitutional amendment takes effect January 1, 1986.

"(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1986."

**SECTION 3.** This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment granting the Supreme Court of Texas and the Court of Criminal Appeals of Texas jurisdiction to answer questions of state law certified from a federal appellate court."

Adopted by the Senate on February 18, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendment on May 20, 1985, by the following vote: Yeas 31, Nays 0; adopted by the House, with amendment, on May 16, 1985, by the following vote: Yeas 141, Nays 0, one present not voting.

Received: May 24, 1985

To be voted on: November 5, 1985

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### S.J.R No. 14

Senate Joint Resolution proposing a constitutional amendment relating to court jurisdiction and administration and to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board

*Be it resolved by the Legislature of the State of Texas:*

**SECTION 1.** That Article V of the Texas Constitution be amended by adding Section 7a to read as follows: